

REMARKS

Claims 1-45 are pending in the application.

Claims 2-8, 10-17, 19-27, and 32-35 are original.

Claims 1, 9, 18, and 28-31 are amended.

Claims 36-45 are canceled, as they relate to non-elected subject matter.

Applicants reserve their right to later pursue the non-elected subject matter of the amended or cancelled claims in continuation, continuation-in-part, or divisional applications.

Original Claims 2-8, 10-17, 19-27, and 32-35 and amended Claims 1, 9, 18, and 28-31 are directed to substituted 2,4-dioxo-pyrido[3,4-d]pyrimidines and pharmaceutical compositions comprising the same, and would be all of the claims remaining in the application if the instant amendment is entered. Applicants believe no new matter is added by the instant amendments.

Discussion of Amendments

Support for the amendment to Claims 1, 9, 18, and 28-31 is found in the specification and claims as filed. For example, support for the amendments to 1, 9, 18, and 28-31 is found in the instant specification in original Claims 1, 9, 18, and 28-31, respectively; in Table IVa: the last two entries on page 71; in Table IVb: the third-to-last entry on page 75 and the 3rd to 7th entries on page 76; Synthesis Examples 53 and 54 beginning on pages 106 and 109, respectively; in Table VII: the last two entries on page 129; the two species named on page 137, at lines 9-12; and Synthesis Examples 69 and 70 beginning on pages 146 and 147, respectively.

Benefit of Priority Under 35 U.S.C. § 119(e)

Applicants' note with pleasure the acknowledgement of their claim for domestic priority under 35 U.S.C. § 119(e).

Applicants note to the Examiner that the Transmittal of a Patent Application under 37 C.F.R. 1.53(b), which was filed as part of the instant application, contained a request to insert their claim for domestic priority in the specification. Accordingly, Applicants have not amended the specification herein to insert a cross-reference to the related U.S. provisional application.

Election/Restriction under 35 U.S.C. § 121

The Examiner alleges that restriction under 35 U.S.C. § 121 is required for examination purposes. For convenience, Applicants incorporate by reference the invention Groups I to XXIII listed in item 2. of the above-referenced Office Action.

Regarding items 1. to 6. of the above-referenced Office Action, Applicants hereby elect without traverse the invention of Group X, "Claims parts of 1-35, drawn to all other compounds that bind to MMP-13, classified in class 540, subclass 1, among others."

In item 5 of the above-referenced Office Action, the Examiner requested that if Applicants elect the compounds of Group X, "they must also elect a species of compound that binds to MMP-13 for purposes of classification and examination. Accordingly, Applicants elect without traverse the species of Table IVb that is the 5th species on page 76, namely 4-[6-(4-methoxy-benzylcarbamoyl)-1-methyl-2,4-dioxo-1,4-dihydro-2H-pyrido[3,4-*d*]pyrimidin-3-ylmethyl]-benzoic acid. Further, Applicants note the species of Table VII that is the 5th species on page 129, namely 4-{6-[3-(4-methoxy-phenyl)-prop-1-ynyl]-1-methyl-2,4-dioxo-1,4-dihydro-2H-pyrido[3,4-*d*]pyrimidin-3-ylmethyl}-benzoic acid

Applicants appreciate the Examiner's remarks made in item 7. of the above-referenced Office Action.

In view of the amendments and the above-remarks, Applicants deem that a satisfactory response to the restriction requirement under 35 U.S.C. §121 has been made.

Supplemental Information Disclosure Statement

Applicants bring to the Examiner's attention the enclosed Supplemental Information Disclosure Statement on Form PTO-1449. The Examiner is respectfully requested to consider carefully the references cited therein in connection with the examination of the above-identified application in accord with 37 CFR §1.104(a). It is believed the Examiner will concur with Applicant's belief that the subject matter presently claimed is neither claimed in nor obvious from these references.

It is further respectfully requested that the references listed on the enclosed Form PTO-1449 be included in the "References Cited" portion of any patent issuing from this application (MPEP § 1302.12).

Conclusion

Applicants respectfully request amendment of the claims as described above, consideration of all references cited in the instant application, examination of amended Claims 1, 9, 18, and 28-31 and original Claims 2-8, 10-17, 19-27, and 32-35 of the elected invention, and advancement of the application with the examined and patentable claims to allowance.

In the event that Claim 1 is allowed, Applicants further respectfully request consideration of a method of treating Claim 38.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to deposit account number 23-0455.

The undersigned would welcome a telephone call from the Examiner to discuss any matters related to this case that the Examiner thinks are amenable to resolution by such discussion.

Respectfully submitted,

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Enc. (Form PTO-1449 and references cited therein)